

DRAFT

REPORT

OF THE COUNCIL

**ON THE FUNCTIONING
OF THE TREATY ON EUROPEAN UNION**

CONTENTS

	Page
<u>INTRODUCTION</u>	1
I. <u>GENERAL STRUCTURE OF THE TREATY</u>	3
A. <i>Single institutional framework</i>	3
B. <i>Subsidiarity</i>	4
II. <u>THE CITIZEN AND THE UNION</u>	5
A. <i>Citizenship</i>	6
B. <i>Transparency</i>	8
III. <u>INSTITUTIONAL SYSTEM</u>	10
A. <i>Democracy and efficiency</i>	10
B. <i>European Council, Council</i>	11
C. <i>European Parliament</i>	12
D. <i>Commission</i>	15
E. <i>Interinstitutional relations</i>	16
F. <i>National Parliaments</i>	16
G. <i>Other institutions and bodies</i>	17
H. <i>Other aspects</i>	18
IV. <u>THE INTERNAL POWERS OF THE COMMUNITY</u>	19
V. <u>EXTERNAL RELATIONS OF THE UNION</u>	22
A. <i>External relations of the Community</i>	22
B. <i>Common foreign and security policy</i>	23
VI. <u>COOPERATION IN THE FIELDS OF JUSTICE AND HOME AFFAIRS</u>	30
<u>ANNEXES</u>	34

INTRODUCTION

1. Following the agreement reached in March 1994 by the Foreign Affairs Ministers of the Member States of the European Union, the European Council agreed at Corfu to set up a Reflection Group to prepare for the 1996 Intergovernmental Conference, and to ask the Institutions to contribute to the Group's proceedings by drawing up reports on the functioning of the Treaty on European Union (TEU) ⁽¹⁾.

This report is to be seen in the context of Article N.2 of the TEU ⁽²⁾, augmented ⁽³⁾ by the Corfu conclusions as follows:

"The Reflection Group will examine and elaborate ideas relating to the provisions of the Treaty on European Union for which a revision is foreseen and other possible improvements in a spirit of democracy and openness, on the basis of the evaluation of the functioning of the Treaty as set out in the reports. It will also elaborate options in the perspective of the future enlargement of the Union on the institutional questions set out in the conclusions of the European Council in Brussels and in the Ioannina agreement (weighting of votes, the threshold for qualified majority decisions, number of members of the Commission and any other measure deemed necessary to facilitate the work of the Institutions and guarantee their effective operation in the perspective of enlargement):"

⁽¹⁾ See Annex I(a) for Section IV of the conclusions of the Presidency of the European Council meeting on 24 and 25 June 1994 at Corfu, and the terms of the agreement reached in Ioannina, as contained in a statement in the minutes of the Accession Conferences, and an extract from the conclusions of the Presidency of the European Council meeting on 10 and 11 December 1993 in Brussels.

⁽²⁾ Article N.2 of the TEU states that "a conference of representatives of the governments of the Member States shall be convened in 1996 to examine those provisions of this Treaty for which revision is provided, in accordance with the objectives set out in Articles A and B."

The provisions expressly concerned are the following:

1. Civil protection, energy and tourism (Declaration No 1 annexed to the TEU Final Act)
 2. Extension of the scope of the "co-decision" procedure (Article 189b(8))
 3. Security/defence (Article J.4(6)) and more generally CFSP (Article J.10)
 4. Hierarchy of Community acts (Declaration No 16 annexed to the TEU Final Act)
- The texts of Articles A and B of the TEU will be found in Annex I(b).

⁽³⁾ You are also reminded that the European Parliament, the Council and the Commission considered, in a statement attached to the Interinstitutional Agreement of 29 October 1993, that "the budgetary procedure provisions of the Treaty, including the arrangements relating to compulsory and non-compulsory expenditure, should be reviewed at the Intergovernmental Conference scheduled for 1996 in order to achieve interinstitutional cooperation on a partnership basis" (OJ of the European Communities No C 331, 7.12.1993, page 10). These three institutions also recorded in the *modus vivendi* approved on 20 December 1994 that "the problems of the implementing measures for acts adopted in accordance with the procedure referred to in Article 189b of the EC Treaty, when such measures are entrusted to the Commission, will be examined in the course of the revision of the Treaties planned for 1996, at the request of the European Parliament, the Commission and several Member States."

I. GENERAL STRUCTURE OF THE TREATY

A. Single institutional framework

3. According to Article A of the TEU, the European Union is founded on the European Communities, supplemented by the policies and forms of cooperation established by the Treaty, i.e. the common foreign and security policy (CFSP) and cooperation in the fields of justice and home affairs (JHA).
4. The TEU provided the European Union with a single institutional framework (Article C), which is also competent to deal with the three "pillars" and is responsible for ensuring the consistency and continuity of the action pursued by the constituent parts of the Union.

The single institutional framework – established in accordance with the arrangements laid down in the Council's conclusions of 12 May 1992 and in the report of the General Affairs Council to the European Council meeting on 29 October 1993 – is designed to enable all the Institutions to perform to the full the roles assigned to them in the TEU. This applies especially in the case of the Council, which has to deliberate under the same conditions both on Community matters and on CFSP or JHA matters. In accordance with Article 151 of the EC Treaty, Coreper's integratory function and the new role of the General Secretariat, made possible by the unity of its organization, enable the Council's proceedings to be prepared on a unified basis.

Some bodies have, however, had more difficulty in adapting to the single institutional framework, which makes it less easy, in the areas covered by Titles V and VI, to achieve the integration required and, as regards JHA, also limits the use made of the new instruments provided for in the TEU (joint action, common positions, conventions).

Subsidiarity is one of the criteria applied by the Council when considering any new proposal. The sometimes excessively detailed nature of Community acts has in the past, however, also been due to the negotiations in the Council.

The TEU's provisions on new areas of competence (such as education, culture and health) specifically limit the Community's action to complementarity measures (support programmes, to the exclusion of any form of harmonization). These provisions have been strictly observed by the legislators and have enabled a clearer distinction to be made between the respective fields of action of the Community and the Member States.

The introduction of the subsidiarity principle has thus been a positive step. Admittedly, first experience shows that the institutions and the Council are occasionally having difficulties in agreeing how it is to be evaluated and applied. But this ought not to lead to the Community "acquis" being called into question. There is still scope for further progress in this area, however.

II. THE CITIZEN AND THE UNION

6. "Bringing Europe closer to the people" has been perceived as a necessity over the years and especially during the procedures for ratifying the TEU, if the people's support for the European venture is to be increased. The TEU has contributed to this end in several ways, in particular by defining the foundations for a citizenship of the Union and, more indirectly, by provoking a debate that has highlighted the need to render the functioning of the Union more transparent and more comprehensible by keeping the public better informed. The TEU also enshrines the general principle of respect for "fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms [...] and as they result from the constitutional traditions common to the Member States, as general principles of Community law" (TEU Article F(2)). ⁽⁴⁾

⁽⁴⁾ On 25 April 1994, the Council requested, in accordance with Article 228(6) of the EC Treaty, the opinion of the Court of Justice on whether an agreement which provided for the accession of the European Community to the European Convention on Human Rights would be compatible with the EC Treaty.

Member States have agreed on guidelines concerning the conditions under which such protection is to be provided. While the guidelines are still incomplete, they mark a significant step in the application of this right.

10. Article 138e of the EC Treaty makes provision for an **Ombudsman**, who would receive complaints from citizens concerning instances of maladministration in the activities of the Community Institutions or bodies. He would perform his duties in complete independence, which would have to be preserved. The regulations and conditions governing the performance of the Ombudsman's duties have been adopted by the European Parliament ⁽⁷⁾: it is now a matter of urgency that the Parliament should appoint someone to the post.
11. Article 8a of the EC Treaty confirms the basic principle that every citizen of the Union has the **right to move and reside** within the territory of any Member State.

In practical terms, this principle – which is closely linked to the idea of membership of the Union – has been widely implemented by the Community. -

However, to date it has not been possible to agree on the inclusion of third-country nationals or on the agreement on external borders, or indeed on the European Information System or on back-up measures. The conditions are not yet right for the principle of freedom of movement to be fully applied between all the Member States with due regard for the internal security of the Union.

12. Article 8e of the EC Treaty offers the possibility of supplementing the rights of citizenship, with the Council acting to this end on the basis of a report by the Commission on the application of the provisions of this part of the Treaty, which report has to take account of the development of the Union. The Commission submitted an interim report at the end of 1993.

⁽⁷⁾ Decision of the European Parliament of 9 March 1994, OJ No L 113, 4.5.1994, p. 15.

- The Council regularly holds discussions, relayed audiovisually, on the six-month work programmes presented by the Presidency, and on major topics of Community interest or important legislative proposals. Twenty-one discussions have already been held (see Annex III(a)).
- The Council now systematically publishes the results of its votes when acting as legislator (see Annex III(b)). It is possible for any explanations of votes to be published as well. In the same vein, the Council systematically publishes in the Official Journal any common positions it adopts under the procedures referred to in Articles 189b and 189c together with the relevant explanatory memoranda.
- The Council allows greater access to its documents. On the basis of its Decision of 20 December 1993 ⁽¹¹⁾, a large number of requests for access have been made, and the bulk of these have been granted (see Annex III(c)).
- The Council is seeking to ensure that the context and the results of its deliberations are presented to the public and the press more effectively.

The practical arrangements for applying the principle of transparency are still the subject of differences of assessment among Member States as to the best way of ensuring a balance between the confidentiality required for any negotiation to be effective and the need for the proceedings to be transparent, especially in the legislative field. However, some progress is possible in this area.

⁽¹¹⁾ OJ No L 340, 31.12.1993, p. 43. This Decision implements, in respect of the Council, the principles established in the code of conduct approved by the Council and the Commission on 6 December 1993 (OJ No L 340, 31.12.1993, p. 41), and is in line with Declaration No 17 annexed to the TEU Final Act concerning the right of access to information.

B. European Council/Council

17. The European Council is an important element in the functioning of the institutional system of the European Union. In fulfilling its new responsibilities under the TEU, the European Council has further emphasized its role as a provider of political impetus and synthesis.
18. The Council also helps to ensure respect for the democratic functioning of the system, insofar as each of its members is politically responsible to the national parliament before which he answers for the positions adopted at Union level. This is particularly so in view of the increased interest shown by national parliaments in the working of the Union. Some Member States' constitutions have been amended to allow their parliaments to monitor the Union's activities more effectively.
19. The TEU confirmed the Council in its political and its legislative role, with the Parliament now being closely involved with the latter through the co-decision procedure. At the same time, the TEU sought to increase the Council's decision-making capacity by the extension of qualified-majority voting, which now covers a large proportion of the Community's areas of action; however, unanimity is still required in a large number of cases (see list in Annex V (a)).

Independently of its other aspects, the possibility of qualified-majority voting is a factor helping to speed up the decision-making process, not only because it offers a way out of certain deadlock situations, but also because the prospect of being placed in a minority is often a spur to seeking the necessary compromises.

Bearing in mind this last point, the relatively small number of decisions actually taken by a qualified majority – as shown in the table in Annex IV – does not fully show the part played by qualified-majority voting as a factor for efficiency in the implementation of Community policies.

of legislative acts (see table in Annex V(b) illustrating the respective spheres of application of these procedures).

24. The **co-decision** procedure develops further the cooperation procedure of the Single European Act, in particular by introducing a conciliation phase between representatives of the two Institutions in cases where the Council does not accept all the amendments made by the European Parliament on second reading, and the possibility for the Parliament ultimately to reject the act passed by the Council.

Under this new procedure, some twenty legislative acts have been adopted within reasonable periods of time, laid down by the Treaty as from the second reading. In one case, the European Parliament was unable to adopt the joint text drawn up by the Conciliation Committee, and in another case the Parliament rejected, on third reading, the act passed by the Council. The table in Annex V(c) shows the results of the co-decision procedure.

25. Apart from the difficulties relating to the starting-up phase, the application of the new procedure has been complicated by:
- the linkage which was initially established with other matters (including committee procedure ⁽¹³⁾ and amounts deemed necessary), which has held up the adoption of several texts;
 - the complexity of the procedure laid down in Article 189b, [...] despite the practical arrangements that were agreed for it;

(¹³) Process for the adoption of measures implementing legislative acts, whereby such measures are adopted by the Commission assisted by a committee of experts from the Member States. A modus vivendi on the subject of committee procedure was recently established by the European Parliament, the Council and the Commission.

and K.6 respectively). This takes place mainly at hearings of the Presidency held by the relevant Parliamentary Committees.

30. By a Council Decision of 1 February 1993, the number of Members of the European Parliament was altered to take account of the unification of Germany and with a view to enlargement. With the accession of Finland, Austria and Sweden, the European Parliament now has 626 Members ⁽¹⁴⁾.

D. Commission

31. The new Commission was appointed in accordance with the procedure introduced by the TEU, which provides that the President and the other Members appointed shall be subject as a body to a vote of approval by the European Parliament before being appointed by the representatives of the Governments of the Member States. The procedure took seven months and involved individual hearings, by specialized committees of the European Parliament, of the persons nominated; it was felt in some quarters that this was too long.
32. Under the Treaties, the independence of the Commission, vis-à-vis both the European Parliament and the Council, is an essential element in the institutional balance. In this connection, the recent code of conduct concluded between the European Parliament and the Commission, which also directly affects the Council, has given rise to some questioning.
33. With enlargement, the number of Commissioners has risen from 17 to 20. In accordance with the Corfu conclusions, the Reflection Group will draw up, with future enlargement of the Union in mind options concerning the number of members of the Commission.

⁽¹⁴⁾ See Council Decision (95/1/EC, Euratom, ECSC) of 1 January 1995 adjusting the instruments concerning the accession of new Member States (OJ No L 1, 1.1.1995, p. 1).

between national-parliament bodies responsible for European affairs and the European Parliament. The Conference of Parliaments, however, has not met since the Treaty came into force.

G. **Other institutions and bodies**

Court of Justice

37. The TEU gave new means of action to the **Court of Justice**, in particular providing for the possibility, at the Commission's request, of requiring **Member States** which did not conform to its judgments to pay a lump sum or penalty: the Commission has not yet made use of this possibility.

The TEU confirmed and enlarged the role of the Court of First Instance ⁽¹⁵⁾, with the exception of referrals for preliminary rulings. The Court of First Instance now deals with a very large number of cases and its workload is bound to increase further with the litigation concerning intellectual property.

Court of Auditors

38. The Court of Auditors, which has become an Institution, plays an increasing role and will henceforth be able to provide the European Parliament and the Council with the statement of assurance provided for in Article 188c of the EC Treaty.

(15) See in Annex VII statistics on the progress of cases before the Court of Justice and the Court of First Instance and on the average length of proceedings.

affecting their own financial interests. In view of Article 209a, it is, moreover, for each Member State to adopt the necessary internal measures.

42. Certain factors are of importance for assessing the functioning of the Treaty, even though they do not directly concern the application of the TEU. For example, it is essential that everyone should be able to communicate with the Institutions of the Union in one of its official languages and that all acts should in due course be published in all of these languages. This point will not be dealt with in the present report.

IV. THE INTERNAL POWERS OF THE COMMUNITY

43. Taking account of the objectives set in its Article B, the TEU gave a more ambitious dimension to some of the Community's internal powers and conferred new ones. Where precise time limits were set (for example, Economic and Monetary Union, cohesion, citizenship of the Union), they have been observed. In other areas in which the TEU broke new ground by opening up further possibilities for Community action, results vary according to sector. A number of important factors are mentioned below, although it has to be understood that in these areas many decisions have been taken which do not concern the functioning of the Treaty.

EMU

44. The second phase of Economic and Monetary Union began, as planned, on 1 January 1994. All the measures necessary for implementing the second phase and relating, firstly, to the operation of the European Monetary Institute (EMI) and, secondly, to definitions for the application of certain specific provisions (prohibition of privileged access and monetary financing, excessive deficit procedure) were adopted as soon as the TEU entered into force.

The Agreement annexed to the Protocol on social policy has been used in two cases (Directive on European Works Councils and Resolution on the prospects for social policy); the dialogue between social partners at Community level, which some believe comes too late in the procedure, has not yet resulted in the conclusion of Europe-wide agreements.

Environment

47. Within the framework of the new legislative procedures introduced by the TEU, important progress was made with the adoption of measures concerning, for example, substances that deplete the ozone layer (cooperation) and the limitation on emissions of volatile organic compounds and packaging and packaging waste (co-decision). The Council attempted to promote a high level of protection and an integrated approach, emphasizing that the environment cut across different sectors; some delegations considered that these efforts were inadequate even to fulfil the commitments entered into at the UN Conference on Environment and Development.

Other policies

48. The TEU laid new foundations for Community action in the areas of trans-European networks, education, vocational training and youth, culture, public health, consumer protection and industry.

Most of these new legal bases have already been used. Major texts have been adopted in the form of action programmes on education and vocational training; others, relating particularly to trans-European networks, are in the process of being adopted.

In the past, the Community based its action in some of these areas on Article 235 of the EC Treaty; that Article is still being used for other purposes (see Annex VIII).

problem of the Union's representation in the framework of the new World Trade Organization and vis-à-vis third countries.

52. Community action in the area of development cooperation, formerly based mainly on Article 235 of the EC Treaty, now has a specific legal basis in the provisions of new Title XVII of the Treaty (Articles 130u et seq.). It is on that basis that the Community's cooperation agreements with developing countries are concluded; however, interpretation of these new provisions of the Treaty gives rise to differences of opinion, which have already led in one case to referral to the Court of Justice.
53. A specific legal basis – Article 228a – was inserted into the EC Treaty for Community action (economic sanctions) provided for in the context of joint action or a common position adopted within the meaning of the CFSP (see also Article 73g(1) of the EC Treaty). A list of these measures is given in Annex IX. Following a "running-in" period, this procedure is operating satisfactorily, subject to clarification of certain points.

B. Common foreign and security policy

Initial assessment

54. Extrapolating from the experience of European Political Cooperation (hereinafter called EPC), which was set up by the Single European Act – the TEU provides, among the objectives of the Union, for "the implementation of a common foreign and security policy including the eventual framing of a common defence policy" and creates new instruments – joint action and common positions – for the achievement of that policy. Hence, the aim of Title V of the TEU, as compared with EPC, is to introduce greater consistency in framing policies, greater "capacity to act" (and not simply to

56. The first application of the provisions on the CFSP was the subject of particularly close appraisal, including appraisal by the public, among whom the CFSP had at the same time raised many expectations (as regards its potential) and called forth a great deal of criticism (in view of its achievements). Both the expectations and the criticisms were, no doubt, sometimes exaggerated; the provisions of the Treaty cannot alone provide ready-made solutions to problems, but only the means to tackle them. The political will to act is a determining factor in the proper use of the instruments of the Treaty.

Assessments of the initial performance of the CFSP differ. Some point to not inconsiderable results, not only in terms of quantity, but also of quality, and consider that a "running-in" period is normal in an area which is at the heart of national sovereignty. Others, on the other hand, referring in particular to former Yugoslavia, say they are disappointed by the results obtained so far, which they regard as falling short of initial ambitions, and question the effectiveness of the means offered by the Treaty, but the European Union originated the peace plan which is still the only overall plan for resolving the conflict.

Foreign policy

57. Experience of implementation of Title V of the TEU may be analyzed at the various stages of conducting a foreign policy: planning, decision-making and implementation.

- Planning and formulating policy

58. Neither the Council as such nor its General Secretariat has direct access to information; however, direct access, which would require support from capitals and embassies of Member States abroad, and the assistance of the Commission, is necessary for the planning and formulation of foreign policy. The processing and summarizing of

importance of genuine merging of Working Parties, which is still far from complete, and the important role of the Working Party of CFSP Counsellors should also be stressed in this context, as well as the general coordinating role played by the Council's General Secretariat under the aegis of the Presidency.

64. Despite progress already made, the procedures are still at an early stage and must be improved. The use of the COREU procedure should be further defined. COREU is very useful as a means of exchanging information, but the preparation and adoption of legal texts by COREU causes difficulties.

Unanimity has been the rule. Neither the qualified majority, use of which is made possible by Article J.3(2) of the TEU, nor the possibility allowed for in Article J.3(7), has been used.

65. The level of involvement of the European Parliament in defining the CFSP (limited by the TEU to consultation and information) remains a subject of disagreement between the Council and the Parliament, which wanted to adopt procedures additional to those in the Treaty by means of an interinstitutional agreement.

- Implementation

66. The implementation of the common foreign policy may be analyzed in terms of "capacity to act" and "high profile". The TEU states that the Presidency is responsible for the implementation of joint action and expresses the Union's position vis-à-vis the outside world; it represents the Union in matters relating to the CFSP. The Presidency therefore has considerable room for manoeuvre, if necessary with the assistance of the Troika and under the Council's control, and also in full association with the Commission.

Security and defence

71. The positive outcome of negotiations on the Stability Pact, which has been entrusted to the supervision of the OSCE, is a significant achievement in the field of preventive diplomacy. At the same time, the Union has helped to improve the OSCE's system of crisis prevention and its capacity for crisis management.
72. The first joint action in the area of security was preparation for the Conference of the States party to the Treaty on the Non-Proliferation of Nuclear Weapons.
73. Before the entry into force of the TEU, the European Union called on the Western European Union (WEU) to participate in several operations including the monitoring of the embargo against Serbia/Montenegro on the Danube and in the Adriatic. It did the same, after the entry into force of the TEU, for the administration of Mostar, although the new possibility offered by Article J.4(2) (implementation by the WEU of decisions and actions of the Union which have defence implications) was not used as such.

The relationship between the General Secretariats of the Council of the European Union and of the WEU is still under discussion

Two joint actions – relating to travel facilities for school pupils originating in third countries and residing in a Member State and to the Europol Drugs Unit – were adopted and a convention on simplified extradition procedures signed. The Europol Convention should be finalized before the end of June 1995; the Convention on external borders is held up because of a problem unconnected with the provisions of the TEU ⁽²⁰⁾. The "recommendations" adopted on asylum and immigration have, however, led to genuine effort to harmonize national laws.

Progress has also been made on the exchange of information, especially as regards the fight against drugs, forgery of documents and organized crime.

Attention should also be drawn to the importance of the work of the Consultative Commission on Racism and Xenophobia.

77. Leaving aside the particularly sensitive nature of the subjects covered, the difficulties encountered in applying Title VI also have to do with the imprecise demarcation of the Community's own powers and the multiplicity of structures used hitherto. Moreover, Title VI of the Treaty has not laid down any precise objectives or binding deadlines in these areas, except for Europol.

⁽²⁰⁾ A list of the draft conventions prepared under TEU Title VI and currently being examined by the Council is given in Annex XI(b).

Instruments and structures

80. The use made of the instruments provided for in Article K.3 of the TEU (joint positions, joint action, conventions) has been very limited, perhaps because of the Member States' continuing differences of opinion on the nature and the legal effects of such implements.

More traditional, and normally not legally binding, instruments such as recommendations and resolutions have been favoured in preference to the more operational instruments of Title VI; examination of the content of the texts adopted shows, however, that they sometimes contain specific undertakings which bind Member States without offering the guarantees which a legal instrument would provide. Here too, due regard must be had to the functions of the various instruments laid down by the Treaty.

No use has been made of the possibility offered by the Treaty of qualified majority voting.

81. The five-level structure – Council, Coreper, K.4 Committee, Steering Groups and Working Parties – has proved very cumbersome and has slowed down the decision-making process.

The K.4 Committee sometimes has difficulty in playing the role assigned to it by the Treaty; the function of its dependent steering groups and working parties should be reassessed.

82. The provisions of Articles K.3(2) and K.4(2) of the TEU offer the Commission the possibility of playing an important part in the implementation of Title VI.

83. There are still differences of opinion between the Council and the European Parliament on the degree of involvement of the European Parliament in the implementation of Title VI (limited by the TEU to consultation and information); the Parliament wanted to adopt specific procedures on the subject by means of an interinstitutional agreement. Some Member States feel strongly that the subject-matter covered by Title VI requires greater parliamentary control. The question of funding the implementation of Title VI is similar to that of funding the CFSP.

ANNEXES

CONTENTS

	Page
ANNEX I <i>Introduction</i>	36
ANNEX I(a) <i>Corfu, Ioannina, Brussels</i>	36
ANNEX I(b) <i>TEU Articles A and B</i>	40
ANNEX II <i>Trend in the number of proposals submitted by the Commission between 1990 and 1994</i>	41
ANNEX III <i>Transparency</i>	42
ANNEX III(a) <i>Council meetings open to the public</i>	42
ANNEX III(b) <i>Publication of votes in the Council</i>	44
ANNEX III(c) <i>Public access to information</i>	45
ANNEX IV <i>Legislative acts adopted (6/12/1993-31/3/1995). Total votes</i>	46
ANNEX V <i>Institutional system</i>	47
ANNEX V(a) <i>List of legal bases requiring unanimity within the Council or common accord of the Member States</i>	47
ANNEX V(b) <i>Scope of main procedures</i>	49
ANNEX V(c) <i>Statistics on the application of Article 189b</i>	52
ANNEX V(d) <i>Decision-making procedures</i>	53
ANNEX V(e) <i>List of assents given by the European Parliament</i>	55
ANNEX V(f) <i>Institutional texts</i>	56
ANNEX VI <i>Cases before the Court of Justice and the CFI – average duration of proceedings</i>	57
ANNEX VII <i>Committee of the Regions/Economic and Social Committee</i>	63
ANNEX VII(a) <i>Opinions issued by the Committee of the Regions</i>	63
ANNEX VII(b) <i>Opinions issued by the Economic and Social Committee</i>	68
ANNEX VIII <i>Article 235 of the EC Treaty</i>	69
ANNEX IX <i>Acts based on Article 228a of the EC Treaty</i>	71
ANNEX X <i>Implementation of CFSP provisions</i>	74
ANNEX X(a) <i>Common positions</i>	74
ANNEX X(b) <i>Joint actions</i>	76
ANNEX X(c) <i>CFSP statements</i>	78
ANNEX X(d) <i>Political dialogue</i>	85
ANNEX XI <i>Justice and Home Affairs</i>	94
ANNEX XI(a) <i>List of texts adopted</i>	94
ANNEX XI(b) <i>Draft Conventions under discussion</i>	98

CONCLUSIONS OF THE PRESIDENCY OF THE CORFU EUROPEAN COUNCIL

(24 and 25 JUNE 1994)

"[....]

IV. PREPARATION OF THE 1996 INTERGOVERNMENTAL CONFERENCE

The European Council, following the Ioannina Agreement, hereby establishes a Reflection Group to prepare for the 1996 Intergovernmental Conference consisting of representatives of the Ministers of Foreign Affairs of the Member States and the President of the Commission. It will be chaired by a person appointed by the Spanish Government and begin its work in June 1995. Two European Parliament representatives will participate in the work of the Reflection Group. The Group will also have exchanges of views with the other Institutions and organs of the European Union.

The Institutions are invited to establish before the start of the work of the Reflection Group reports on the functioning of the Treaty on European Union which will provide an input for the work of the Group.

The Reflection Group will examine and elaborate ideas relating to the provisions of the Treaty on European Union for which a revision is foreseen and other possible improvements in a spirit of democracy and openness, on the basis of the evaluation of the functioning of the Treaty as set out in the reports. It will also elaborate options in the perspective of the future enlargement of the Union on the institutional questions set out in the conclusions of the European Council in Brussels and in the Ioannina Agreement (weighting of votes, the threshold for qualified majority decisions, number of members of the Commission and any other measure deemed necessary to facilitate the work of the Institutions and guarantee their effective operation in the perspective of enlargement).

of votes and the threshold of the qualified majority in the Council, shall be examined during the Conference of Representatives of the Governments of the Member States which shall be convened in 1996, in accordance with Article N(2) of the Treaty on European Union.

- (b) Besides, they have agreed to invite the European Parliament, the Council and the Commission to establish a report on the functioning of the Treaty on European Union. These reports will provide input for the work of a Reflection Group of Representatives of the Foreign Ministers which should be created by the European Council in Corfu and start its work mid-1995. This Group will work in association with the European Parliament. It will, inter alia, prepare options based on the positions and arguments of all Member States on the weighting of votes and on the threshold of qualified-majority decisions, taking into account future enlargement.
- (c) They have taken note that the Council has decided that, if Members of the Council representing a total of 23 to 26 votes indicate their intention to oppose the adoption by the Council of a decision by qualified majority, the Council will do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by the Treaties and by secondary law, such as in Articles 189b and 189c of the Treaty establishing the European Community, a satisfactory solution that could be adopted by at least 68 votes. During this period, and always respecting the Rules of Procedure of the Council, the President undertakes, with the assistance of the Commission, any initiative necessary to facilitate a wider basis of agreement in the Council. The Members of the Council lend him their assistance.
- (d) They have finally agreed that the different elements of the present Declaration shall continue to be in operation until entry into force of an amendment to the Treaties, following the 1996 Conference."

Text of TEU Articles A and B:

"Article A

By this Treaty, the HIGH CONTRACTING PARTIES establish among themselves a EUROPEAN UNION, hereinafter called "the Union".

This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen.

The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty. Its task shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples.

Article B

The Union shall set itself the following objectives:

- to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to develop close cooperation on justice and home affairs;
- to maintain in full the "acquis communautaire" and build on it with a view to considering, through the procedure referred to in Article N(2), to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

The objectives of the Union shall be achieved as provided in this Treaty and in accordance with the conditions and the timetable set out therein while respecting the principle of subsidiarity as defined in Article 3b of the Treaty establishing the European Community."

LIST OF POLICY DEBATES PUBLICLY RETRANSMITTED BY AUDIOVISUAL MEANS
(Article 6(1) of the Council's Rules of Procedure)

COUNCIL	DATE	ITEM
ECONOMIC/FINANCIAL AFFAIRS	15.II.93	Programme of the Danish Presidency
GENERAL AFFAIRS	19.VII.93	Presentation of the Belgian Presidency's programme
ECONOMIC/FINANCIAL AFFAIRS	13.IX.93	Presentation of the Belgian Presidency's work programme
GENERAL AFFAIRS	7.II.94	Presentation of the Greek Presidency's work programme
ECOFIN	14.II.94	Presentation of the Greek Presidency's work programme
ECOFIN	11.VII.94	Presentation of the German Presidency's work programme
GENERAL AFFAIRS	18.VII.94	Presentation of the German Presidency's work programme
ECOFIN	16.I.95	Presentation of the French Presidency's programme
GENERAL AFFAIRS	23.I.95	Presentation of the French Presidency's work programme and tribute to Jacques Delors
ECOFIN	20.II.95	Presentation of the Commission's work programme

PUBLICATION OF VOTES CAST IN THE COUNCIL

- I. Under the Council's Rules of Procedure, votes cast in the Council are automatically published when the Council acts as legislator, unless the Council decides otherwise, which has never been the case.

The Annex to the Council's Rules of Procedure states that the Council "acts as legislator within the meaning of the first indent of Article 7(5) when it adopts rules which are legally binding in or for the Member States whether by means of regulations, directives or decisions, on the basis of the relevant provisions of the Treaties, in particular on the basis of Article 43 of the Treaty establishing the European Community or in the framework of the procedures in Article 189b and Article 189c of that Treaty, with the exception of discussions leading to the adoption of internal measures, administrative or budgetary acts, acts concerning interinstitutional or international relations or non-binding acts such as conclusions, recommendations or resolutions. Votes shall not be made public in the case of discussions leading to indicative votes or the adoption of preparatory acts."

Votes are also published:

- when votes are cast by members of the Council or their representatives in the Conciliation Committee set up by Article 189b of the Treaty establishing the European Community;
- when the Council acts under Titles V and VI of the Treaty on European Union, by a unanimous Council decision taken at the request of one of its members;
- in other cases, by a Council decision taken at the request of one of its members.

- II. Votes cast in the Council are published in press releases.

Total votes (per area)
for legislative acts ⁽²⁾ adopted
between 6 December 1993 and 31 March 1995

	T	N	A
Agriculture	114	17	10
Fisheries	51	4	7
Internal market	50	11	6
Environment	9	4	1
Transport	8		3
Social affairs	3		2
Research	27	1	1
Education	4		1
European citizenship	2		1
Consumer protection	1	1	
Transparency	2	2	
Other	12		
TOTAL	283	40	32

T = total number of legislative acts adopted

N = number of acts adopted with negative votes being cast (or with negative votes and abstentions)

A = number of acts adopted with abstentions only

⁽²⁾ As defined in the Annex to the Council's Rules of Procedure. Where a common position was followed by the adoption of a definitive act, the same votes have not been counted twice. The same applies to the Decision and the code of conduct concerning public access to documents.

STATISTICS RELATING
TO ARTICLE 189b

(i) General table

Number of proposed acts subject to co-decision	124
Number of common positions of the Council	33
Number of common positions for which there has been a conciliation procedure	15

(ii) Details concerning the 15 cases of conciliation

Number of cases where conciliation has led to the adoption of a joint text	11
Number of cases where it has not led to a joint text (the Council confirming its position, the European Parliament rejecting it) - voice telephony	1
Number of cases where the joint text has not led to a final decision (the European Parliament rejecting the conciliation joint text in plenary session) - biotechnology	1
Number of cases awaiting a third reading	2

3. PROCEDURE FOR INTERNATIONAL AGREEMENTS

- (a) without consultation of the European Parliament (agreements referred to in Article 113(3) of the EC Treaty);
- (b) with consultation of the European Parliament (first subparagraph of Article 228(3));
- (c) after obtaining the European Parliament's assent (second subparagraph of Article 228(3)).

4. PROCEDURES FOR TITLES V AND VI OF THE TEU

- (a) on a proposal from/at the initiative of the Commission;
- (b) on a proposal from/at the initiative of a Member State.

5. OTHER PROCEDURES

- (a) without any Commission proposal (e.g. some EMU cases and Article 213 of the EC Treaty);
- (b) on a recommendation from the Commission (a number of EMU cases);
- (c) on recommendations from the Commission and the Council, with decisions by the Council, meeting in the composition of Heads of State or Government (entry into the third stage of EMU);
- (d) by common agreement of the Governments of the Member States (appointment of Members of the Commission and of the Court of Justice and location of institutions);
- (e) by common agreement of the Governments of the Member States, meeting in the composition of Heads of State or Government (appointment of the President, Vice-President and members of the Executive Board and location of the ECB).

Consultation of other institutions or bodies of the European Union (Court of Auditors, Economic and Social Committee, Committee of the Regions, European Central Bank, Monetary Committee, European Monetary Institute, Political Committee and Article K.4 Committee) is provided for on either a mandatory or an optional basis under the above procedures.

Interinstitutional texts concerning implementation of the Treaty on European Union

1. Texts approved at the interinstitutional meeting in Luxembourg on 25 October 1993 (OJ No C 329, 6.12.1993, pp. 132 et seq.)
 - (a) Interinstitutional Declaration on democracy, transparency and subsidiarity
 - (b) Interinstitutional Agreement between the European Parliament, the Council and the Commission on procedures for implementing the principle of subsidiarity
 - (c) Arrangements for the proceedings of the conciliation committee under Article 189b of the EC Treaty
2. Interinstitutional Agreement of 29 October 1993 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (OJ No C 331, 7.12.1993, p. 1)
3. Interinstitutional Agreement of 20 December 1994 between the European Parliament, the Council and the Commission on an accelerated working method for official consolidation of legislative texts

Interinstitutional text required by Article 138c of the Treaty on European Union

4. Decision of the European Parliament, the Council and the Commission on the detailed provisions governing the exercise of the European Parliament's right of inquiry (Article 138c of EC Treaty)

Graph 2 – Cases disposed of ⁽²⁾

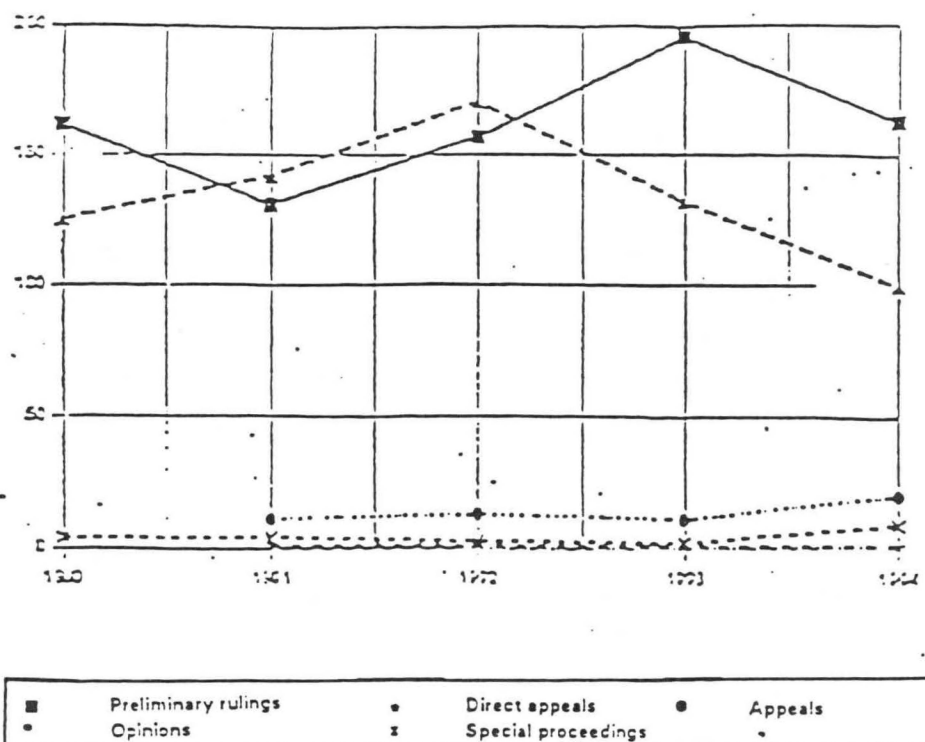


Table 2

<i>Nature of proceedings</i>	<i>Year</i>	<i>1990</i>	<i>1991</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
Preliminary rulings		162	131	157	196	163
Direct appeals		125	142	171	132	100
Appeals		-	11	13	11	20
Opinions		-	1	1	1	1
Special proceedings		4	4	3	2	9
TOTAL		302	289	345	342	293

The number of cases disposed of includes those settled by a judgment (provided it is not interlocutory) or by an order terminating the proceedings (for example, when a case is removed from the register, does not proceed to judgment, or is inadmissible).

There was a slowing-down in the Court's judicial activities in 1994. A comparison of input and output statistics shows that the Court settles fewer cases than it receives over the same period.

⁽²⁾ excluding the cases transferred to the CFI on 27 September 1993.

Average duration of proceedings before the Court

Graph 4 – Duration of proceedings (in months)

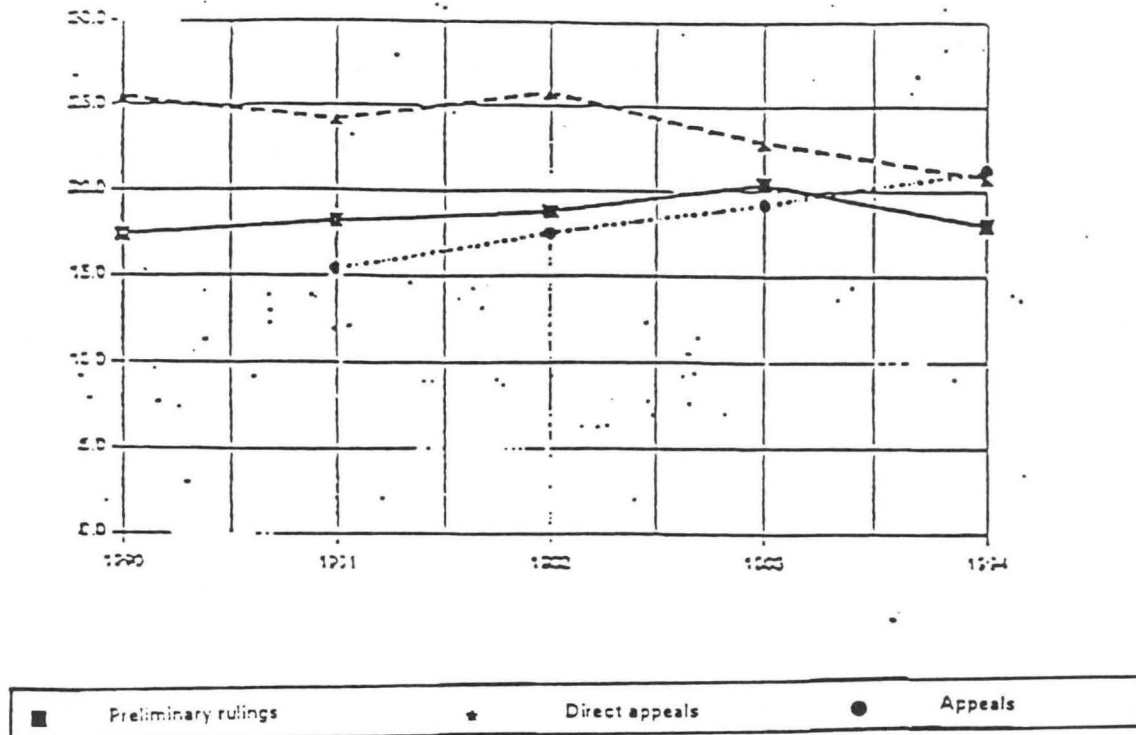
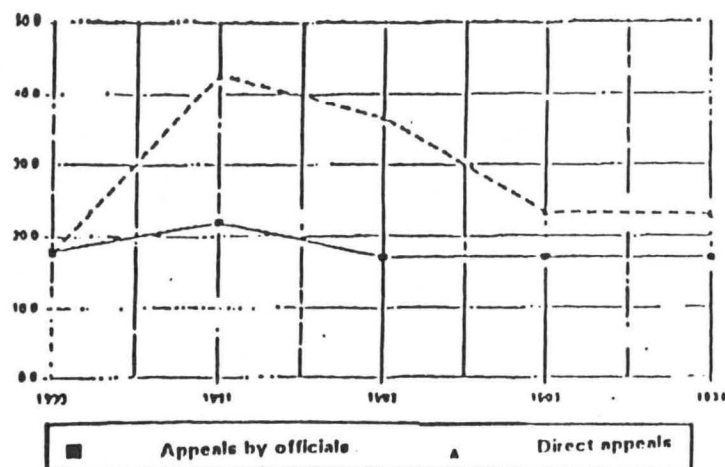


Table 4

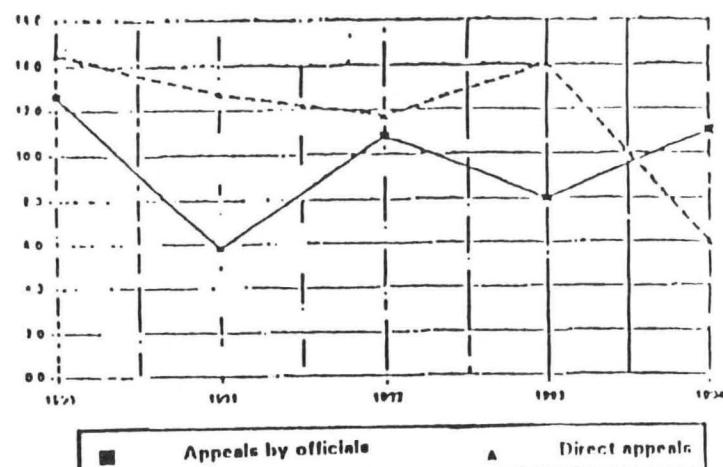
<i>Nature of proceedings</i>	<i>Year</i>	<i>1990</i>	<i>1991</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
Preliminary rulings		17.4	18.2	18.8	20.4	18
Direct appeals		25.5	24.2	25.8	22.9	20.8
Appeals		-	15.4	17.5	19.2	21.2

Average duration of proceedings before the CFI

COURT OF FIRST INSTANCE
Duration of proceedings (in months) - JUDGMENTS



COURT OF FIRST INSTANCE
Duration of proceedings - ORDERS



Nature of proceedings	Year				
	1990	1991	1992	1993	1994
Appeals by officials	17.9	21.9	17.0	17.0	16.9
Direct appeals	17.6	42.9	36.6	23.3	23.0

Nature of proceedings	Year				
	1990	1991	1992	1993	1994
Appeals by officials	12.6	5.8	10.8	8.0	11.0
Direct appeals	14.5	12.7	11.7	14.1	6.0

OPINIONS ISSUED BY THE COMMITTEE OF THE REGIONS
(referral by the Council)

REF.	SUBJECT	DOCUMENT	DATE
CDR 16/94	Proposal for a Council Regulation establishing a Cohesion Fund and proposal for a Council Regulation establishing a cohesion financial instrument	COM(93) 699	5, 6 April 94
CDR 42/94	Commission communication on the development of the Integrated Services Digital Network (ISDN) as a trans-European network Proposal for a Council Decision on a series of guidelines for the development of ISDN as a trans-European network Proposal for a Council Decision adopting a multiannual Community action concerning the development of ISDN as a trans-European network (TEN-ISDN)	COM(93) 347	17, 18 May 94
CDR 43/94	Proposal for a Decision of the European Parliament and of the Council establishing the Community Action Programme SOCRATES	COM(93) 708 - 94/0001 COD	17, 18 May 94
CDR 44/94	Proposal for a Decision of the Council and the Ministers for Health of the Member States, meeting within the Council, concerning the extension to the end of 1994 of the 1991-1993 plan of action in the framework of the "Europe against AIDS" programme	COM(93) 453	17, 18 May 94
CDR 45/94	Proposal for a European Parliament and Council Decision establishing Phase Three of the "Youth for Europe" programme designed to promote the development of exchanges among young people and of youth activities in the Community	COM(93) 523 - COD 474	17, 18 May 94
CDR 46/94	Proposal for a European Parliament and Council Decision laying down a series of guidelines on trans-European energy networks Proposal for a Council Decision laying down a series of measures aimed at creating a more favourable context for the development of trans-European networks in the energy sector	COM(93) 685	17, 18 May 94
CDR 48/94	Proposal for a Council Decision on a series of guidelines for trans-European data communications networks between administrations Proposal for a Council Decision adopting a multiannual Community programme to support the implementation of trans-European networks for the interchange of data between administrations (IDA)	COM(93) 69	17, 18 May 94

OPINIONS ISSUED BY THE COMMITTEE OF THE REGIONS
(referral by the Commission)

REF.	SUBJECT	DOCUMENT	DATE
CDR 39/94	The future of Community initiatives under the Structural Funds	COM(94) 46	17, 18 May 94
CDR 40/94	Community initiative concerning urban areas (URBAN)	COM(94) 61	17, 18 May 94
CDR 41/94	Community initiative on the modernization of the textile and clothing industry in Portugal	COM(94) 82	17, 18 May 94
CDR 47/94	Green paper on the access of consumers to justice and the settlement of consumer disputes in the single market	COM(94) 576	17, 18 May 94
CDR 49/94	Proposal for a Council Regulation (EC) laying down general rules for the granting of Community financial aid in the field of trans-European networks	COM(94) 62	17, 18 May 94
CDR 231/94	Europe's way to the Information Society	COM(94) 347	2 February 95

**NUMBER OF OPINIONS ISSUED
BY THE ECONOMIC AND SOCIAL COMMITTEE**

(up to 31 March 1995)

on referral by the Council	138
on referral by the Commission	39
own initiative	31
additional opinions	11
information reports	2

BREAKDOWN OF FIGURES ON THE USE
OF ARTICLE 235
ACCORDING TO WHETHER IT WAS THE SOLE LEGAL BASIS
OR COMBINED WITH OTHER BASES

235 alone

	Decisions	Regulations	Recommendations	Directives	TOTAL
1992	9	14	4		27
1993	9	5		1	15
1994	12	12			24
Jan/Mar 1995		2			2

235 + other legal bases

	Decisions	Regulations	Recommendations	Directives	TOTAL	Other legal bases
1992	8				8	113
1993	4	3			7	51-113-128- 130R-130S-203
1994	3				3	203-43 Multiple basis chosen for the Decision concluding the Uruguay Round
Jan/Feb 1995						

ACTS BASED ON ARTICLE 228a OF THE EC TREATY

Libya

Council Regulation No 3274/93 of 29 November 1993 preventing the supply of certain goods and services to Libya (OJ No L 295, 30.11.1993, p. 1)

Council Regulation No 3275/93 of 29 November 1993 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 883 (1993) and related resolutions

Former Yugoslavia

Council Regulation No 1733/94 of 11 July 1994 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 757(1992) and related resolutions (OJ No L 182, 16.7.1994)

Council Regulation No 2471/94 of 10 October 1994 introducing a further discontinuation of the economic and financial relations between the European Community and the areas of Bosnia-Herzegovina under the control of Bosnian Serb forces (OJ No L 266, 15.10.1994, p. 1)

Council Regulation No 2472/94 of 10 October 1994 suspending certain elements of the embargo on the Federal Republic of Yugoslavia (Serbia and Montenegro) (OJ No L 266, 15.10.1994, p. 8)

Council Regulation No 109/95 amending Regulation No 2472/94 suspending certain elements of the embargo on the Federal Republic of Yugoslavia (Serbia and Montenegro) (OJ No L 20, 27.1.1995, p. 1)

Haiti

Council Regulation (EC) No 1263/94 of 30 May 1994 introducing a discontinuation of certain economic and financial relations with Haiti (OJ No L 139, 2.6.1994, p. 1)

**LIST OF COMMON POSITIONS
ADOPTED BY THE COUNCIL SINCE THE ENTRY
INTO FORCE OF THE TREATY ON EUROPEAN UNION
(1 NOVEMBER 1993)**

TITLE	DATE	DECISION No	OFFICIAL JOURNAL
1. FORMER YUGOSLAVIA			
Council Decision on the common position, defined on the basis of Article J.2 of the Treaty on European Union and concerning the prorogation of the suspension of certain trade restrictions with the Federal Republic of Yugoslavia (Serbia and Montenegro)	23.01.1995	95/140/CFSP	L 21 (28.01.95)
Council Decision on the common position defined on the basis of Article J.2 of the Treaty on European Union and concerning the reduction of economic and financial relations with those parts of the territory of the Republic of Bosnia-Herzegovina under the control of the Bosnian Serb forces	10.10.1994	94/672/CFSP	L 266 (15.10.1994)
Council Decision concerning the common position defined on the basis of Article J.2 of the Treaty on European Union and regarding the suspension of certain restrictions on trade with the Federal Republic of Yugoslavia (Serbia and Montenegro)	10.10.1994	94/673/CFSP	L 266 (15.10.1994)
Council Decision on the common position defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning prohibition of the satisfaction of the claims referred to in paragraph 9 of the UN Security Council Resolution No 757 (1992)	13.6.1994	94/366/CFSP	L 165 (1.7.1994)
2. UKRAINE			
Common position defined by the Council on the basis of Article J.2 of the Treaty on European Union on the objectives and priorities of the European Union towards Ukraine	28.11.1994	94/779/CFSP	L 313 (6.12.1994)

LIST OF JOINT ACTIONS
ADOPTED BY THE COUNCIL SINCE THE ENTRY
INTO FORCE OF THE TREATY ON EUROPEAN UNION
(1 NOVEMBER 1993)

TITLE	DATE	DECISION No	OFFICIAL JOURNAL
1. FORMER YUGOSLAVIA			
Council Decision supplementing Decision 94/790/CFSP concerning the joint action, adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on continued support for European Union administration of the town of Mostar	06.02.1995	95/23./CFSP	L 33 (13.2.1995)
Council Decision concerning the joint action, adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on continued support for European Union administration of the town of Mostar	12.12.1994	94/790/CFSP	L 326 (17.12.1994)
Council Decision extending the application of Decision 93/603/CFSP concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina	12.12.1994	94/789/CFSP	L 326 (17.12.1994)
Supplementing Decision concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina	27.07.1994	94/510/CFSP	L 205 (8.8.1994)
Council Decision adapting and extending the application of Decision 93/603/CFSP concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina	16.5.1994	94/308/CFSP	L 134 (30.5.1994)
Council Decision extending the application of Decision 93/603/CFSP concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina	7.3.1994	94/158/CFSP	L 70 (12.3.1994)
Council Decision supplementing the joint action for the conveying of humanitarian aid in Bosnia-Herzegovina	20.12.1993	93/729/CFSP	L 339 (31.12.1993)
Council Decision concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina	8.11.1993	93/603/CFSP	L 286 (20.11.1993)

1993 CFSP STATEMENTS – after entry into force of TEU (1.11.93)

Statement No	Subject	date
102	ECOMSA BRIEF	4.11.93
103	NAGORNO-KARABAKH	9.11.93
104	KEMPTON PARK NEGOTIATIONS	18.11.93
105	CONGO	18.11.93
106	NIGERIA	18.11.93
107	JUDICIAL PROCESS AT TIRASPOL	25.11.93
108	YEMEN	25.11.93
109	PHILIPPINES	26.11.93
110	INDIA AND PAKISTAN	30.11.93
111	GEORGIA	30.11.93
112	HUMAN RIGHTS	11.12.93
113	FORMER YUGOSLAVIA	11.12.93
114	RUSSIAN ELECTIONS	16.12.93
115	INDIA	20.12.93
116	KAZAKHSTAN	22.12.93
TOTAL : 15		

31	TURKEY - HUMAN RIGHTS	31.3.94
32	NORTH KOREA NUCLEAR ISSUE	31.3.94
33	SOUTH AFRICA	7.4.94
34	ISRAEL	8.4.94
35	RWANDA AND BURUNDI	12.4.94
36	RWANDA	18.4.94
37	BOSNIA	18.4.94
38	UKRAINE	19.4.94
39	GEORGIA	22.4.94
40	SOUTH AFRICA	22.4.94
41	RWANDA	25.4.94
42	UGANDA	25.4.94
43	ESTONIA	3.5.94
44	GAZA-JERICHO	4.5.94
45	RWANDA	6.5.94
46	SOUTH AFRICA	6.5.94
47	AGREEMENTS BETWEEN LATVIA AND RUSSIA	10.5.94
48	YEMEN	6.5.94
49	GUATEMALA	11.5.94
50	RWANDA	16.5.94
51	TAJIKISTAN	17.5.94
52	CRIMEA	22.5.94
53	SOUTH AFRICA	27.5.94
54	MALAWI	27.5.94
55	HAITI	27.5.94
56	CROATIAN/SERBIAN/MOSLEM AGREEMENT	10.6.94
57	MOSTAR	15.6.94
58	LATVIAN CITIZENSHIP	21.6.94
59	ETHIOPIA	24.6.94
60	NIGERIA - ARREST OF MOSHAAD ABIOLA	30.6.94
61	ANGOLA	30.6.94
62	GUATEMALA	7.7.94

95	GAMBIA	3.11.94
96	ANGOLA	3.11.94
97	MOZAMBIQUE	21.11.94
98	CHILE-ARGENTINA CONCERNING LAGUNA DEL DESIERTO	12.12.94
99	INDONESIA - SENTENCING OF MUCHTAR PAKPAHAN	22.11.94
100	ANGOLA - PEACE	22.11.94
101	MEETING OF APEC LEADERS - BOGOR, 15.11.94	23.11.94
102	MOLDOVA	29.11.94
103	ACCESSION OF UKRAINE TO THE NPT - POSITION OF UKRAINIAN PARLIAMENT	30.11.94
104	SRI LANKA	29.11.94
105	MOLDAVA	28.11.94
106	RWANDA	28.11.91
107	UKRAINE - ACCESSION TO THE NPT	8.12.94
108	TURKEY - SENTENCING OF 8 FORMER MEMBERS OF THE TURKISH NATIONAL ASSEMBLY	9.12.94
109	FORMER YUGOSLAVIA	10.12.94
110	NAMIBIA - ELECTIONS	14.12.94
111	NEGOTIATIONS BETWEEN LITHUANIA AND RUSSIA - MILITARY TRANSIT TO AND FROM KALININGRAD	22.12.94
TOTAL : 110		

Information supplied by the Press Office on 31 March 1995.

P.018	(4721/95 Presse 041)	13/02/95	Declaration by the Presidency on behalf of the European Union on the Sixth Anniversary of the Iranian Fatwa against Salman Rushdie
P.019	(4723/95 Presse 043)	14/02/95	Declaration by the Presidency on behalf of the European Union on Sierra Leone
P.020	(4724/95 Presse 044)	15/02/95	Declaration by the Presidency on behalf of the European Union on the release of members of the OMONIA movement
P.021	(4947/95 Presse 050)	21/02/95	Declaration by the Presidency on behalf of the European Union on Angola
.....	(4948/95 Presse 051) ^(*)	22/02/95	Statement by the Presidency on behalf of the European Union on the occasion of the publication of the Anglo-Irish framework document on Northern Ireland
P.022	(4949/95 Presse 052)	23/02/95	Statement by the Presidency on behalf of the European Union on the accession of Argentina to the Treaty on the Non-Proliferation of Nuclear Weapons
P.023	(4952/95 Presse 055)	28/02/95	Statement by the Presidency on behalf of the European Union concerning Pakistan
P.024	(5215/95 Presse 060)	02/03/95	Declaration by the Presidency on behalf of the European Union regarding the situation in the South China Sea
P.025	(5218/95 Presse 063)	03/03/95	Declaration by the Presidency on behalf of the European Union concerning North Korea
P.026	(5426/95 Presse 072)	13/03/95	Declaration by the Presidency on behalf of the European Union concerning the situation in Burma
P.027	(5430/95 Presse 076)	19/03/95	Declaration by the Presidency on behalf of the European Union on the Union's objectives and priorities regarding Burundi
P.028	(5740/95 Presse 079)	20/03/95	Statement by the President on behalf of the European Union on the constitutional situation in Kazakhstan
P.029	(5746/95 Presse 085)	21/03/95	Declaration by the Presidency on behalf of the European Union concerning the Gambia
P.030	(5747/95 Presse 086)	20/03/95	Declaration by the Presidency on behalf of the European Union regarding Sri Lanka
P.031	(5956/95 Presse 089)	22/03/95	Declaration by the Presidency on behalf of the European Union concerning Nigeria

Information supplied by the Press Office on 31 March 1995.

¹ This is not a CFSP statement.

LEVEL OF DIALOGUE	COUNTRY	FORMAT	FREQUENCY	DATE
	MALTA	PRES + CION	WHENEVER NECESSARY	07.04.94
	NON ALIGNED	TROIKA + CION	ONCE A YEAR	28.09.94
	RIO GROUP	MINISTERIAL CONFERENCE COUNCIL	ONCE A YEAR IN MARGINS OF UNGA	22.04.94 27.09.94
	RUSSIA	TROIKA + CION	AD HOC	18.02.94 29.09.94
	TURKEY	ASSOCIATION COUNCIL	ONCE A YEAR	19.12.94
	UKRAINE	TROIKA + CION	AD HOC	10.03.94 04.10.94
	UNITED STATES	COUNCIL PRES + CION	ONCE PER PRESIDENCY AD HOC	29.09.94 31.01.94
	MULTILATERAL CCE	COUNCIL	ONCE PER PRESIDENCY	19.04.94 31.10.94
POLITICAL DIRECTORS	BALTIC STATES	PRES + CION	REGULARLY	06.09.94 (TROIKA + CION)
	CANADA	PRES + CION	ONCE PER PRESIDENCY	22.11.94 (TROIKA + CION)
	JAPAN	TROIKA + CION	ONCE PER PRESIDENCY	03.12.93 18.04.94 23.11.94
	PAKISTAN	TROIKA + CION	NOT SPECIFIED	07.11.94
	RUSSIA	TROIKA + CION	TWICE A YEAR	04.11.93 06.06.94
	TURKEY	TROIKA + CION	NOT SPECIFIED	12.07.94
	UNITED STATES	TROIKA + CION	ONCE PER PRESIDENCY	18.05.94 21.11.94 20.01.95
	MULTILATERAL CCE	15 + CION ⁽¹⁾	ONCE PER PRESIDENCY	03.06.94 25.10.94

COUNTRY	FORMAT	FREQUENCY	B	GR	GER	FR
CANADA						
OS	PRES + CION	REGULARLY	....	....	06.07.94	
IN	PRES + CION	ONCE PER PRESIDENCY	....	....	....	30.5.95
D	PRES + CION	ONCE PER PRESIDENCY	....	....	22.11.94 TR + CION	14.03.95
ASIS	DECLARATION ON EU/CANADA RELATIONS (22.11.90)					
CENTRAL AMERICA						
OS	....	....	....	....	....
IN	COUNCIL SAN JOSE MINISTERIAL	IN MARGIN OF UNGA ONCE PER YEAR	30.9.93 ....	.... 28.3.94	29.9.94 ....	.... 23.02.95
D	....	....	....	....	....
ASIS	SAN JOSE MINISTERIAL: FINAL ACT LUXEMBOURG CONF. 12.11.85					
CHINA						
OS	....	....	....	....	....
IN	TROIKA + CION TROIKA + CION HOM BEIJING + CH.M.F.A PR + CH AMB TO PRESIDENCY	IN MARGIN OF UNGA IRREGULAR ONCE PER PRESIDENCY ONCE PER PRESIDENCY	27.9.93 .... .... ....	.... .... .... ....	26.09.94	
D/S.OFF.	TROIKA + CION	IRREGULAR	....	....
ASIS	EXCHANGE OF LETTERS BETWEEN EU AND CHINA IN MAY 1994					
CYPRUS						
OS	PRES + CION	NOT SPECIFIED	....	PR + CO 23.6.94	....
IN	PRES + CION ASSOCIATION COUNCIL	NOT SPECIFIED ONCE PER YEAR	....	.... 18.4.94	15.12.94	
D	PRES + CION	SEMI-ANNUAL	....	....	....
ASIS	COUNCIL DECISION 18.07.1988 + DECISION ASSOCIATION COUNCIL 21.12.92					

COUNTRY	FORMAT	FREQUENCY	B	GR	GER	FR
NEW ZEALAND						
S	....	....	....	....	....
I	PRES + CION TROIKA + CION	AS NECESSARY ASEAN PMC	.... 27.7.93	.... ....	.... ....
	PRES + CION	ONCE PER PRESIDENCY	....	....	....
SIS	DECISION OF POLITICAL COMMITTEE 06.09.90					
NON-ALIGNED						
S	....	....	....	....	....
I	TROIKA + CION	ONCE PER YEAR (UNGA)	29.9.93	....	28.9.94	
	
SIS	DECISION BY POLITICAL COMMITTEE 05.09.90					
PAKISTAN						
S	....	....	....	....	....
I	....	....	....	....	....
DEPUTY PD	TROIKA + CION	NOT SPECIFIED	4.12.94	....	7.11.94	
SIS	DECISION OF POLITICAL COMMITTEE 12.02.92					
RIO GROUP						
S	....	....	....	....	....
I	MINISTERIAL CONFERENCE COUNCIL	ONCE PER YEAR IN THE MARGIN OF UNGA	.... 29.9.93	22.4.94 ....	.... 27.9.94	17.3.95
	
SIS	DECLARATION OF 20.12.90					

COUNTRY	FORMAT	FREQUENCY	B	GR	GER	FR
UKRAINE						
OS	NOT SPECIFIED	AS NECESSARY	....	....
IN	COOPERATION COUNCIL TROIKA + CION	ONCE PER YEAR AD HOC	.... ....	.... 10.3.94	.... 4.10.94 16 + CION	.... 20.6.95
D/SENIOR FFICIALS	NOT SPECIFIED	REGULARLY	....	....		5.1.95 TROIKA
ASIS	EU/UKRAINE COOPERATION AGREEMENT 14.06.94					
USA						
OS	PRES + CION	ONCE PER PRESIDENCY	....	11.1.94	12.7.94	
IN	COUNCIL	ONCE PER PRESIDENCY	28.9.93 UNGA	....	29.9.94 UNGA	30.5.95
	PRES + CION	AD HOC	16.7.93	31.1.94		26.1.95
D	TROIKA + CION	ONCE PER PRESIDENCY	28.10.93	18.5.94	21.11.94	20.1.95
ASIS	EU/US DECLARATION 23.11.90					
EA						
OS	PRES COUNCIL + PRES CION	NOT SPECIFIED				6.3.95
IN		TWICE PER YEAR				
D		NOT SPECIFIED				
ASIS	EXCHANGE OF LETTERS TO BE FINALIZED					
EBANON						
IN	16 + 1	NOT SPECIFIED				6.3.95
D						
ASIS	COOPERATION COUNCIL					

JUSTICE AND HOME AFFAIRS

(a) TABLE OF TEXTS ADOPTED

Joint actions

<u>SUBJECT</u>	<u>REFERENCE</u>
Decision 94-795/JAI on a joint action adopted by the Council on the basis of Article K.3(2)(b) of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State	Publication OJ No L 327, 19.12.1994
Joint action concerning the Europol Drugs Unit on the basis of Article K.3(2)(b) of the Treaty on European Union	Publication OJ No L 62, 20.3.1995, p. 1

Convention

<u>SUBJECT</u>	<u>REFERENCE</u>
Convention on simplified extradition procedure between the Member States of the European Union	Publication OJ No C 78, 30.3.1995

Resolutions

<u>SUBJECT</u>	<u>REFERENCE</u>
Resolution on the interception of telecommunications	Press release 10550/93 (Presse 209)
Resolution on fraud on an international scale - protection of the financial interests of the European Union	Press release 10550/93 (Presse 209)
Resolution on limitations on admission of third-country nationals to the Member States for employment	Press release 7760/94 (Presse 128-G)
Resolution relating to the limitations on the admission of third-country nationals to the Member States for the purpose of pursuing activities as self-employed persons	Press release 11321/94 (Presse 252-G)
Resolution on the admission of third-country nationals to the territory of the Member States of the EU for study purposes	Press release 11321/94 (Presse 252-G)
Resolution on the legal protection of the financial interests of the Communities	Publication in OJ No C 355, 14.12.1994

Statements

<u>SUBJECT</u>	<u>REFERENCE</u>
Financing of terrorism	Press release 10550/93 (Presse 209)
Statement on extradition	Press release 10550/93 (Presse 209)

Conclusions

<u>SUBJECT</u>	<u>REFERENCE</u>
Conclusions on racism and xenophobia	Press release 10550/93 (Presse 209)
Conclusions on international organized crime	Official communication to the EP
Conclusions on the application of Article K.9 of the TEU to asylum policy	Press release 7760/94 (Presse 128)
Text on evidence in the context of the Dublin Convention	Press release 7760/94 (Press 128-G)
Form of laissez-passer for the transfer of an asylum applicant from one Member State to another	Press release 7760/94 (Presse 128-G)
Procedure for drawing up joint reports on the situation in third countries	Press release 7760/94 (Presse 128-G)
CIREA – Distribution and confidentiality of joint reports on the situation in certain third countries	Press release 7760/94 (Presse 128-G)
Standard form for determining the State responsible for examining an application for asylum	Press release 7760/94 (Presse 128-G)
Conclusions on the Commission communication on immigration and asylum	Press release 7760/94 (Presse 128-G)
Conclusions on conditions for the readmission of persons who are illegally resident in a Member State but who hold a residence permit for another Member State (Article 8(2) of the draft External Frontiers Convention)	Press release 10314/94 (Presse 219-G)
Enlarged and strengthened relations with third countries, in particular the countries of Central and Eastern Europe – exchanges of information in the area of international sports events	Press release 11321/94 (Presse 252-G)
Conclusions of the EU Council on the operating procedures and development of the Centre for Information, Discussion and Exchange on the crossing of frontiers and immigration (CIREFI)	Official communication to the EP Press release 11321/94 (Presse 252)
Conclusions on the implementation of Article K.5 of the TEU: – expression of common approaches in international organizations and conferences	Press release 11321/94 (Presse 252-G)

DRAFT CONVENTIONS UNDER EXAMINATION

1. Draft Convention on the crossing of the external frontiers
 2. Draft Convention setting up a European Information System (EIS)
 3. Draft Convention on the establishment of Europol
 4. Draft Convention on the uses of information technology for customs purposes (CIS)
 5. Draft Convention on the protection of the Communities' financial interests
 6. Draft Convention on extradition between the Member States of the European Union
 7. Draft Agreement between the Member States of the European Union on the enforcement of driving disqualifications
 8. Draft Convention on scope, jurisdiction and the enforcement of judgements in matrimonial matters (Brussels Convention II)
 9. Draft Convention on the service in the States of the European Union of Judicial and Extrajudicial Documents in Civil or Commercial Matters
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Justice set up to rule on questions of competence and is in favour of "deepening" the European Union. In the chapter on regional cooperation, ARE emphasises that the Committee of the Regions ought to be transformed into an institution representing the regions of Europe as such - whereas currently representatives of local authorities and entities sit on the Committee - and should have the power of co-decision on all questions regarding the regions. This implies that the local areas ought to have their own representative body as well. "This is quite an ambitious outlook", commented Jordi Pujol, the Catalan leader who also presides the ARE, "but our

organisation owes it to itself to have such ambitions even though there is still a great deal of resistance at national level".

During its meeting on July 6/7 in Montreux, the ARE Bureau also adopted a Resolution deprecating the "growing centralisation of the management of Community programmes, and deeply regretting the plans to abolish the PACTE exchange programme, an initiative of the European Parliament, one of the few which enables local authorities to obtain direct experience of cooperation".

(July 10, 1995 - European Report - 103)(SV)

EUROPEAN UNION: CHRISTIAN DEMOCRATS CALL FOR PARLIAMENT WORTHY OF THE NAME

The European Parliament should have rights equivalent to those of the Council of Ministers in the legislative process. In addition, a single simplified and streamlined procedure involving the European Commission should take the place of the various procedures currently in use. This proposal is included in a document entitled "Ability to Act, Democracy and Transparency" adopted by the Political Bureau of the European People's Party (EPP) in the run-up to next year's Inter-Governmental Conference and distributed to all the European Christian Democratic parties.

(July 10, 1995 - European Report - 110)(AF)

The document adopted by the EPP Bureau, headed by Wilfried Martens, on July 7 contains numerous proposals for the revision of the Maastricht Treaty. In addition to a better balance among the three institutions in the legislative process, the document calls for the European Union to have legal personality as concerns international Agreements. It also suggests that meetings of the Council of Ministers should be open to the public when legislative texts are to be adopted.

Decisions by the Council should be taken by majority vote, according to the EPP Bureau, and the EU's areas of jurisdiction should gradually be expanded to home affairs and justice, immigration and visa policy and the right of asylum. Europol should become the European Criminal Investigation Office

under the exclusive control of the European Parliament.

In the area of foreign, security and defence policy, the EPP feels that the European Union should be capable of presenting a united front, but that this would be possible only if the principle of unanimity in the Council were abandoned. "Joint action" in the form of diplomatic, humanitarian or military measures should be decided by qualified or reinforced majority. The Bureau maintains that it would be logical to integrate the Western European Union into the European Union. These proposals are not in their final form; they must now be examined by all of the Christian Democratic parties of the EU. A final position on the 1996 Inter-Governmental Conference to review the Maastricht Treaty will be presented a congress of the parties in Madrid from November 5 to 7.

The Political Bureau of the EPP has also agreed to the accession of two new parties that emerged from the break-up of the Italian People's Party. The Bureau also approved a request for accession from the Christian Democratic Centre, on condition that the three MEPs who currently belong to Forza Europa join the EPP Group in the Parliament.